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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,732	10/29/2003	Cheng-Liang Hou	58268.00324	2651
32294 7590 09/26/2007 SQUIRE, SANDERS & DEMPSEY L.L.P. 14TH FLOOR 8000 TOWERS CRESCENT TYSONS CORNER, VA 22182			EXAMINER JAIN, RAJ K	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 09/26/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/694,732		HOU, CHENG-LIANG	
	<b>Examiner</b>		<b>Art Unit</b>	
	Raj K. Jain		2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 July 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 8-14 and 16-21 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Honkasalo et al (USP 6,219,343 B1) because the invention was described in a patented or published application for patent by another filed in the United States before the invention thereof by the applicant for patent.

Regarding claims 1, 8, 9 and 16, Honkasalo discloses a method and system and computer readable medium (see abstract, col 4 lines 43-55), comprising:

incrementing a port transmission rate using a variable resolution (see col 7 lines 2-17, claim 5, Figs. 5 and 6, the port transmission rate is varied based using differing data rates at different regions R1, R2, R3, etc.); and

transmitting data through the port using the incremented port transmission rate (see col 6 lines 39- col 7 line 40, a maximum data rate is determined for each port of transmission/reception and further incremented in proportion to an higher accommodating transmission rate and transmitted thereafter accordingly, see Figs. 4a and 4b.).

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Regarding claims 2, 10 and 17, Honkasalo discloses the resolution is a function of the rate (see Figs. 4a and 4b, data rates are based on user profiles for acceptable Eb/No ratios which is a function of rate, see col 7 lines 19-40.).

Regarding claims 3, 11 and 18, Honkasalo discloses the resolution is inversely proportional to the rate (see col 3 lines 15-25.).

Regarding claims 4, 12 and 19, Honkasalo discloses wherein the resolution decreases exponentially as the rate increases (see col 7 lines 25-40, as data rate increases the resolution decreases based on a given transmission power and therefore lower Eb/No values and more interference respectively.

Regarding claims 5, 13 and 20, the resolution is a function of segmented rate ranges (see Fig. 5, resolutions are segmented according to regions.).

Regarding claims 6, 14 and 21, (see Fig. 5) resolution is 64 Kbps in a first range (region 1), 1 Mbps in a second range, and 8 Mbps in a third range (regions Ln-2, Ln-3).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 15 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Honkasalo et al (USP 6,219,343 B1) in view of Miao (US 2004/0017306A1)

Honkasalo discloses segmented data rates upto 64 kbps (see Fig.5), however,

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Honkasalo fails to disclose segmented data rates in range above 2Mbps to 1000Mbps.

Miao discloses segmented data rates in range above 2Mbps to 1000Mbps, (see Fig. 6, paras 35-37, the Mux 132 produces one of several data in range from 50Mbps to 1 Gbps.). The inclusion of an scalable high speed data rate converter allows for multiple sources of data reception of various resolutions and magnitude including audio, video, HD video, high speed data transference, etc..

Thus it would have been obvious at the time the invention was made to incorporate the teachings of Miao within Honkasalo so to improve network capabilities by allowing for multiple input sources of differing magnitude to be incorporated in a network as desired.

### ***Response to Arguments***

Applicant's arguments filed 19 July 2007 have been fully considered but they are not persuasive.

Regarding claims 1-6, 8-14 and 16-21, Applicant contends Honkasalo fails to disclose or suggest at least the feature of "incrementing a port transmission rate using a variable resolution". Examiner respectfully disagrees, Honkasalo describes control algorithm employed to determine a data rate allocation for the packet data transmission (col 7 lines 2-17, Figs. 5 & 6, the port transmission rate is varied using differing data rates at different regions R1, R2, R3, also conceded to by Applicant page 8 of the response). Applicant further contends "The control algorithm described in Honkasalo, does not contemplate using resolution as a factor in controlling the data rate allocation."

According to Applicant's specifications para 5 line 3, "resolution" is interpreted to mean data rate. Honkasalo explicitly and clearly discloses throughout the specs the data rate allocation and therefore the "resolution" is employed for data packet transmission.

Thus Honkasalo either alone or in combination discloses each and every limitation of the subject claims and therefore the rejection to claims 1-6, 8-14 and 16-21 is sustained. Furthermore Claims 7, 15 and 22 which depend from their respective independent claims are properly rejected under 35 USC 103(a) as limitations within the subject claims are correctly recited in the prior art references and therefore the rejection to claims 7, 15 and 22 is sustained.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raj K. Jain whose telephone number is 571-272-3145. The examiner can normally be reached on M-F 8-5.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

***Raj K. Jain***

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September 21, 2007

  
CHI PHAM  
SUPERVISORY PATENT EXAMINER  
9/29/07